

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

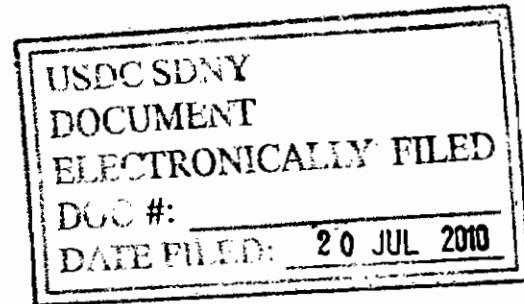
TYRONE COUNCIL,

Petitioner,

-v-

SUSAN A. CONNELL,

Respondent.



No. 08 Civ. 11357 (LTS)(KNF)

ORDER ADOPTING REPORT AND RECOMMENDATION

Pro se Petitioner Tyrone Council ("Petitioner" or "Council") brought this action seeking habeas corpus relief pursuant to 28 U.S.C. § 2254 against Respondent, Susan A. Connell ("Respondent"), on numerous grounds. On March 25, 2010, Magistrate Judge Kevin N. Fox issued a Report and Recommendation (the "Report"), recommending that the petition be denied. On May 3, 2010, the undersigned granted Petitioner an extension of time until June 1, 2010, to file objections to the Report. Petitioner has filed no objection.

In reviewing a report and recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 1993). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wynn v. Lempke, No. 08 Civ. 3894 (RJS), 2009 WL 1227362, at *2 (S.D.N.Y. May 5, 2009).

The Court has reviewed thoroughly Judge Fox's thoughtful Report and finds no clear error in his recommendation. Accordingly, the Court adopts Judge Fox's Report in its

entirety. The Court hereby denies the petition. Because Petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253(c). In addition, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith. See *Coppedge v. United States*, 369 U.S. 438, 444 (1962).

This Order resolves docket entry no. 1. The Clerk of Court is respectfully requested to enter judgment accordingly and close this case.

SO ORDERED.

Dated: New York, New York
July 20, 2010



Laura Taylor Swain
United States District Judge